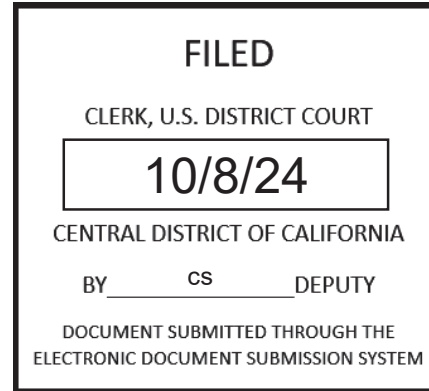


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2 119 Vine St.
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5 toddryangregoryhill@gmail.com
6 *In Propria Persona*



7
8 **UNITED STATES DISTRICT COURT FOR**
9 **THE CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

11
12 **TODD R. G. HILL, et al,**

13
14 **Plaintiffs**

15
16 **vs.**

17
18 **THE BOARD OF DIRECTORS,**
19 **OFFICERS AND AGENTS AND**
20 **INDIVIDUALS OF THE PEOPLES**
21 **COLLEGE OF LAW, et al.,**

22 **Defendants.**
23
24
25
26
27
28

Case No.: 2:23-CV-01298-JLS-BFM

The Hon. Josephine L. Staton
Courtroom 8A, 8th Floor

Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

**OPPOSITION TO STATE BARS MOTIONS
FOR JUDICIAL NOTICE UNDER FRE 201;
MEMORANDUM OF POINTS AND
AUTHORITIES; AND DECLARATION OF
TODD R. G. HILL**

NO ORAL ARGUMENT REQUESTED

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PLAINTIFF’S OPPOSITION TO STATE BAR’S MOTION TO DISMISS

I. INTRODUCTION

State Bar Defendants’ Request for Judicial Notice (“Motion”) seeks judicial notice of two documents: Plaintiff’s August 13, 2024 Government Claims Act Form and the State Bar’s September 3, 2024 response to the claim. Federal Rule of Evidence 201 permits judicial notice of facts that are "not subject to reasonable dispute" and are either "generally known within the trial court's territorial jurisdiction" or "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." The State Bar's motion for judicial notice fails to meet these requirements. By omitting crucial facts and relying on disputed documents, the State Bar's motion misrepresents the record and attempts to resolve contested issues prematurely.

II. PROCEDURAL HISTORY

Plaintiff filed the initial Complaint on February 20, 2023. Plaintiff filed a Second Amended Complaint September 20, 2023.

Following the filing of the Second Amended Complaint (SAC), significant developments occurred that provided further clarity and evidence to support Plaintiff's claims. Specifically, the State Bar released Exhibits 201A (ECF 102-1) and 201B (ECF 102-2), which detailed PCL's non-compliance with educational standards and the State Bar's decision to revoke PCL's registration and terminate its degree-granting authority.

Plaintiff promptly filed a request for judicial notice of these exhibits (ECF 102), recognizing their relevance to the case and their potential to streamline the pleadings. These exhibits provided

1 concrete evidence of PCL's misconduct and the State Bar's awareness of the issues, corroborating
2 Plaintiff's allegations and strengthening his claims.
3

4 The information contained in Exhibits 201A and 201B allowed Plaintiff to further refine and
5 clarify the complaints presented in the TAC. By incorporating these exhibits and the information they
6 contained, Plaintiff was able to provide more specific details and evidence to support his claims,
7 thereby enhancing the clarity and conciseness of the Third Amended Complaint (TAC).
8
9

10 Plaintiff filed the current TAC on August 21, 2024 and a supplemented proposed TAC under
11 Fed. R. Civ. P. 15 on September 6, 2024.
12

13 State Bar subsequently filed "STATE BAR DEFENDANTS' REQUEST FOR JUDICIAL
14 NOTICE IN SUPPORT OF STATE BAR DEFENDANTS' MOTION TO DISMISS THIRD
15 AMENDED COMPLAINT". (See Docket 173).
16
17

18 **III. FACTS**

19 Plaintiff, Todd R.G. Hill, is an African American male with an ADA-recognized disability
20 who enrolled at Peoples College of Law (PCL) in 2019 with aspirations of a legal career. PCL, an
21 unaccredited law school in Los Angeles, actively recruited students from underrepresented
22 communities with promises of social mobility and access to legal education. The State Bar of
23 California operates as the statutory regulator of law schools.
24
25

26 Despite excelling in his studies and passing the First-Year Law Students' Examination
27 (FYLTX), Plaintiff encountered numerous obstacles at PCL, including:
28

- 1 • **Inaccurate Transcripts:** Plaintiff received transcripts containing multiple errors, hindering
2 his ability to transfer to other institutions or qualify for financial aid. Despite repeated
3 requests, PCL, specifically Dean Spiro, obstructed Plaintiff's efforts to rectify these errors.
- 4 • **Denial of Necessary Courses:** Despite his good academic standing, Plaintiff was denied
5 access to required fourth-year courses, delaying his graduation by two years.
- 6 • **Discriminatory Practices:** Plaintiff alleges that PCL's actions, particularly the denial of
7 courses and the obstruction of transcript corrections, were motivated by discriminatory
8 animus based on his race and disability.
9
10
11

12 Plaintiff also asserts that the State Bar of California, as the regulatory body overseeing legal
13 education, failed to uphold its duty to protect students and ensure compliance with educational
14 standards. Specifically:
15

- 16 • **Knowledge of Non-Compliance:** The State Bar was aware of PCL's history of non-
17 compliance with regulations, including inaccurate record-keeping, misleading disclosures, and
18 discriminatory practices.
- 19 • **Failure to Intervene:** Despite this knowledge, the State Bar refused to intervene in student
20 disputes, including Plaintiff's, citing its "non-interference" policy, and failed to take
21 meaningful action to address PCL's misconduct.
- 22 • **Discriminatory Impact:** The State Bar's inaction perpetuated a system of inequality in legal
23 education, disproportionately impacting students from unaccredited schools and marginalized
24 communities.
25
26
27

28 Based on these facts, Plaintiff asserts the following causes of action in the TAC:

- 1 1. **Equal Protection Violation:** Against the State Bar and individual defendants for their
2 discriminatory policies and practices that disproportionately harmed African American
3 students.
4
- 5 2. **Violation of the Unruh Civil Rights Act:** Against PCL and individual defendants for
6 denying Plaintiff full and equal access to educational opportunities based on his race and
7 disability.
8
- 9 3. **Title VI of the Civil Rights Act of 1964:** Against PCL and the State Bar for engaging in
10 racially discriminatory practices in the administration of educational programs.
11
- 12 4. **RICO Violations:** Against individual defendants for their participation in a pattern of
13 racketeering activity, including allegations of wire and mail fraud, to defraud students and
14 donors.
15
- 16 5. **Conspiracy:** Against individual defendants for conspiring to deprive Plaintiff of his civil
17 rights to a fair education and career progression.
18
- 19 6. **Negligence and Negligence Per Se:** Against all defendants for their negligent actions,
20 including the failure to provide accurate transcripts, the delay in awarding degrees, and the
21 lack of proper oversight of PCL's compliance with educational standards.
22
- 23 7. **Negligent Hiring, Retention, and Supervision:** Against PCL and the State Bar for their
24 negligence in hiring, retaining, and supervising employees and agents who engaged in
25 misconduct.
26
- 27 8. **Violation of Title IX:** Against individual defendants for engaging in sex-based retaliation
28 following Plaintiff's complaints about discriminatory treatment and inaccuracies in his
 academic records.

1 Plaintiff seeks a range of remedies, including monetary damages, declaratory relief,
2 retrospective and prospective injunctive relief to address the harm caused by the defendants' conduct
3 and to prevent future violations of students' rights.
4

5 6 **IV. STANDARD OF REVIEW FOR JUDICIAL NOTICE**

7
8 Federal Rule of Evidence 201 permits judicial notice of facts that are “not subject to
9 reasonable dispute” and are either “generally known within the trial court’s territorial jurisdiction” or
10 “can be accurately and readily determined from sources whose accuracy cannot reasonably be
11 questioned.”
12

13 **V. ARGUMENT**

14
15 The State Bar Motion seeks judicial notice of Plaintiff’s August 13, 2024 Government Claims
16 Act Form. The Motion fails to acknowledge that Plaintiff filed an accompanying document with the
17 form as well as Plaintiff’s previous successfully submitted, and in some cases purportedly
18 investigated, government claims, including in December 2022, as evidenced by TAC Exhibit 5 (at
19 Docket 148), a letter from Ms. Sitton of the State Bar dated February 21, 2023, acknowledging
20 receipt of Plaintiff’s 'Notice of Violation' email sent on February 8, 2023. This omission is central to
21 Plaintiff’s argument that his claim is timely. By omitting this prior and additional claims, the State
22 Bar is introducing a fact that is clearly disputed, violating the requirements of Federal Rule of
23 Evidence 201 in this context.
24
25
26

27 The disputed matter appears to directly contradict the State Bar's assertion in its Motion that
28 Plaintiff had not filed a government claim prior to August 13, 2024. By omitting this prior claim, the

1 State Bar is introducing a fact that is clearly disputed, violating the requirements of Federal Rule of
2 Evidence 201.

3
4 The existence of Plaintiff's prior claim was known to, and was easily verifiable through State
5 Bar counsel's records, making the State Bar's omission even more egregious. This omission could
6 mislead the Court and negatively impact the Court's perception of Plaintiff's current claim.
7 Furthermore, Exhibit 1 demonstrates that Plaintiff has been communicating with various State Bar
8 employees about his case for over three years, further highlighting the ongoing dispute. This
9 omission could mislead the Court and negatively impact the Court's perception of Plaintiff's current
10 claim.
11

12
13 The State Bar's omission of Plaintiff's prior communications and filings, despite evidence to
14 the contrary, suggests a likelihood of intentional misrepresentation. The State Bar's knowledge of
15 Plaintiff's prior communications and filings, as evidenced by Exhibits 1 and 5, indicates that the
16 omission was not an oversight. This raises concerns about the State Bar's motive for omitting this
17 information and suggests an attempt to mislead the court.
18

19
20 This misrepresentation could mislead the Court and negatively impact Plaintiff's case. For the
21 foregoing reasons, Plaintiff respectfully requests that the Court deny State Bar Defendants' Request
22 for Judicial Notice.
23

24 **A. Evidence of Prior Notice and Bad Faith**

25
26 Exhibit 1 is an email chain that includes a message from Todd Hill to various State Bar
27 employees on September 8, 2024. In this email, Hill clarifies his position on the California
28 Government Claims Act and addresses specific points raised by the recipients regarding case law. Hill
argues that he provided sufficient notice under the Act and that minor technical deficiencies do not

1 invalidate his claims. Hill also asserts that the State Bar has been on notice for years and had ample
2 opportunity to investigate his claims. This email chain, along with Exhibit 5, directly contradicts the
3 State Bar's assertion in its Motion that Plaintiff had not filed a government claim prior to August 13,
4 2024. These communications, therefore, serve as irrefutable evidence of the State Bar's prior
5 knowledge of Mr. Hill's claims, further undermining their position and suggesting an attempt to
6 misrepresent the factual record before the Court.
7

8
9 Exhibit 5, accompanying the Third Amended Complaint, is a letter dated February 21, 2023,
10 addressed to Mr. Hill from Ms. Sitton, Special Counsel at the State Bar. This letter directly references
11 an email sent by Mr. Hill on February 8, 2023, titled "Notice of Violation," in which Mr. Hill raised
12 concerns about potential violations of the Bane Act. While the letter states that the Admissions
13 Department does not handle such violations and advises Mr. Hill to contact the Office of Chief Trial
14 Counsel, it crucially acknowledges the State Bar's receipt of Mr. Hill's "Notice of Violation" email.
15 This acknowledgment directly contradicts the State Bar's assertion in their Motion that Mr. Hill had
16 not filed a government claim prior to August 13, 2024. The Sitton letter, therefore, serves as
17 irrefutable evidence of the State Bar's prior knowledge of Mr. Hill's claims, thus undermining their
18 position and suggesting an attempt to misrepresent the factual record before the Court. Notably, staff
19 members working directly with the Chief trial Counsels office were included in the intended email
20 recipients list and there is no reason Plaintiff has knowledge of to believe that the Office of the Chief
21 Trial Counsel was not in receipt of the email mentioned.
22

23 24 25 26 **A. State Bar's Actual Knowledge and Investigations**

27 The State Bar incorrectly asserts that the TAC should be dismissed for failing to adequately
28 plead compliance with the California Government Claims Act (CGCA). However, as established in
Quigley v. Garden Valley Fire Prot. Dist., 7 Cal. 5th 798, 802 (2019), failure to comply with the

1 CGCA is an affirmative defense that must be pleaded and proved by the defendant. The Quigley court
2 held that statutory immunities under the CGCA do not deprive a court of fundamental jurisdiction but
3 operate as affirmative defenses that are waived if not raised by the defendant. Therefore, the State
4 Bar's reliance on this argument for dismissal is misplaced. Furthermore, the State Bar had ample
5 notice of the claims against it, exceeding the requirements of the Government Claims Act. As
6 evidenced by Exhibit 1 attached here, Plaintiff provided extensive notice to the State Bar regarding
7 the critical elements required under the Act, including the nature of the injury, the facts of the case,
8 and the public employees involved. This notice spanned numerous communications over a period of
9 three years, providing the State Bar with sufficient information to investigate and respond to the
10 claims.
11
12
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14 The courts have consistently held that substantial compliance may be recognized where, as
15 here, the claim contains sufficient information to permit the entity to investigate. Moreover, any
16 remaining factual disputes regarding the extent of the State Bar's knowledge and actions can be fully
17 addressed during discovery. Therefore, the State Bar's argument for dismissal based on alleged non-
18 compliance with the Government Claims Act is without merit and should be rejected. In its notice
19 request, State bar appears to intend an "end-run" around Plaintiff's due process rights.
20
21

22 Notably, the State Bar's release of Exhibits 201A and 201B, which detail PCL's non-
23 compliance with educational standards and the State Bar's decision to revoke PCL's registration and
24 terminate its degree-granting authority, provides strong support for the argument that the State Bar
25 had prior notice of and conducted investigations into the Plaintiff's claims. These exhibits
26 demonstrate the State Bar's awareness of PCL's misconduct and its active involvement in overseeing
27 and regulating unaccredited law schools like PCL. This regulatory role implies an ongoing
28 investigation and monitoring of PCL's compliance with educational standards. The fact that the State

1 Bar took such decisive action against PCL further supports the Plaintiff's claims and suggests that the
2 State Bar had ample opportunity to investigate and address the issues raised by the Plaintiff.
3

4 **B. Lack of Foundation for Judicial Notice**
5

6
7 The State Bar's motion fails to establish the necessary foundation for taking judicial notice of
8 the documents. FRE 201 requires that the fact be "not subject to reasonable dispute" and "can be
9 accurately and readily determined from sources whose accuracy cannot reasonably be questioned."
10 The State Bar merely asserts that the documents are public records without providing any evidence or
11 authentication to support this claim.
12

13 In *Quigley*, the California Supreme Court held that the statutory immunities under the CGCA
14 do not deprive a court of fundamental jurisdiction. Instead, they operate as affirmative defenses that
15 must be raised by the defendant or are otherwise deemed waived. The State Bar's motion to dismiss
16 argues that the TAC should be dismissed for failing to adequately plead compliance with the CGCA.
17 However, *Quigley* makes clear that this is not a pleading requirement for the Plaintiff. The State Bar,
18 if it wishes to assert this defense, must plead and prove it. This extensive notice, exceeding the
19 requirements of the Act, allowed the State Bar ample opportunity to investigate and respond to the
20 claims. The State Bar's argument for dismissal based on the Plaintiff's alleged failure to plead
21 compliance with the CGCA is both premature and incorrect and thus should be rejected, as well as
22 the likely improper support of the specious argument sought under the judicial notice request opposed
23 here.
24
25
26

27 **C. Disputed Issues of Fact**
28

1 The documents presented by the State Bar are subject to reasonable dispute and are central to
2 the contested issues in the case. Specifically, the government claim form and the State Bar's response
3 are directly relevant to the issue of timeliness and the extent of the State Bar's knowledge of
4 Plaintiff's claims. Taking judicial notice of these documents would effectively resolve these disputed
5 issues in favor of the State Bar without a proper evidentiary hearing. *United States v. 14.02 Acres of*
6 *Land More or Less in Fresno County, Cal.*, 547 F.3d 943, 956 (9th Cir. 2008) ("A court may not take
7 judicial notice of a fact that is subject to reasonable dispute.").

10 Furthermore, on or around December 22, 2022, Plaintiff sent a Government Claims Act form
11 to the State Bar via commercial carrier, accompanied by a copy of an earlier version of the complaint.
12 This submission, documented in TAC Exhibit 3 (see Docket 148), further demonstrates Plaintiff's
13 efforts to provide the State Bar with notice of his claims and an opportunity to investigate the matter.
14 The claim form and accompanying complaint specifically detailed the nature of the alleged
15 misconduct, the individuals involved, and the requested relief. This submission, along with the
16 extensive email communications documented in Exhibit 1, underscores Plaintiff's likely substantial or
17 complete compliance with the California Government Claims Act and refutes the State Bar's
18 argument for dismissal on this ground.

22 **D. Incompleteness of Record**

23 The State Bar's request for judicial notice presents an incomplete and potentially misleading
24 record to the court. By omitting the December 2022 claim and other relevant communications, the
25 State Bar is selectively presenting evidence to support its position while ignoring evidence that favors
26 the Plaintiff. This selective presentation violates the principles of fairness and due process.
27
28

1 Federal Rule of Evidence 201 authorizes the Court to take judicial notice of facts that “can be
2 accurately and readily determined from sources whose accuracy cannot reasonably be questioned.”
3
4 Fed. R. Evid. 201(b)(2). Courts “must take judicial notice if a party requests it and the court is
5 supplied with the necessary information.” Fed. R. Evid. 201(c)(2). “A trial court may presume that
6 public records are authentic and trustworthy.” *Gilbrook v. City of Westminster*, 177 F.3d 839, 858 (9th
7 Cir. 1999). Courts therefore have taken judicial notice of government claims and notices of rejection.
8
9 *See, e.g., Rogers v. California Hwy. Patrol Officer Macias*, No., 2019 WL 4540119, at *1 n.2 (C.D.
10 Cal. Apr. 25, 2019) (granting judicial notice of government claim and denial); *see also, e.g., Abdi v.*
11 *Cty. of San Diego*, 2018 WL 6248539, at *2 (S.D. Cal. Nov. 29, 2018); *Pinder v. Employment Dev.*
12 *Dep’t*, 2013 WL 4482955, at *11 n.11 (E.D. Cal. Aug. 20, 2013).

14 Although Plaintiff acknowledges that the records submitted are “public records”, the State Bar has
15 failed to produce the records in requisite totality, and thus has failed to supply “the necessary
16 information” for the Court’s presumption.
17

18 **E. Improper Purpose**

19 The State Bar's motion appears to be an attempt to circumvent the normal discovery process
20 and obtain a premature resolution of disputed factual issues. Judicial notice is not intended to be a
21 substitute for proper evidence and should not be used to resolve contested issues that require further
22 factual development.
23

24 **F. Request for Evidentiary Hearing**

25 For the foregoing reasons, Plaintiff respectfully requests that the Court deny the State Bar
26 Defendants’ Request for Judicial Notice. In the alternative, Plaintiff requests that the Court conduct
27 an evidentiary hearing to determine the admissibility of the documents presented by the State Bar.
28

1 Such a hearing would allow the Plaintiff to present evidence and challenge the authenticity and
2 completeness of the documents, ensuring a fair and accurate presentation of the factual record.
3

4 **VI. CONCLUSION**

5 For the foregoing reasons, Plaintiff respectfully requests that the Court deny the State Bar
6 Defendant's motion for Judicial Notice in support of their dismissal motion in it's entirety and asks
7 that any remaining concerns be readily addressed through the discovery process.
8

9 Alternatively, Plaintiff requests notice of the existence of the documents be taken in-so-far as
10 they are incomplete public records/
11

12 Dated: October 8, 2024
13

14 ~~Respectfully submitted,~~
15

16 Todd R.G. Hill
17

18 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**

19 The undersigned party certifies that this brief contains 4,259 words, which complies with the 7,000-
20 word limit of L.R. 11-6.1.

21 ~~Respectfully submitted,~~
22

23 October 8, 2024
24

Todd R.G. Hill

25 Plaintiff, in Propria Persona
26

27 **Plaintiff's Proof of Service**

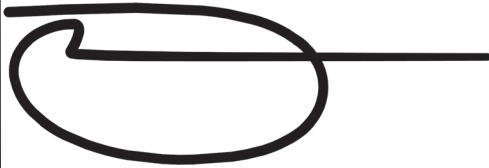
28 This section confirms that all necessary documents will be properly served pursuant to L.R. 5-3.2.1

Service. This document will be/has been electronically filed. The electronic filing of a document
causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the CM/ECF System

1 and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court and (2) all pro se
2 parties who have been granted leave to file documents electronically in the case pursuant to L.R. 5-
3 4.1.1 or who have appeared in the case and are registered to receive service through the CM/ECF
4 System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P. 4 or L.R. 79-5.3,
5 service with this electronic NEF will constitute service pursuant to the Federal Rules of Civil
6 Procedure, and the NEF itself will constitute proof of service for individuals so served.
7
8

9 October 8, 2024

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A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

14 Todd R.G. Hill

15 Plaintiff, in Propria Persona
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AFFIDAVIT OF TODD R.G. HILL

I, Todd R.G. Hill, declare as follows:

1. I am the Plaintiff in this action and have personal knowledge of the facts stated herein.
2. I have reviewed the Third Amended Complaint (TAC) and all exhibits attached thereto, and I hereby attest that the facts contained therein are true and correct to the best of my knowledge and belief.
3. I have made diligent efforts to comply with all applicable rules and procedures throughout this litigation, including the requirements of Rule 8 and Local Rule 7-3.
4. I have made diligent efforts to comply with the California Government Claims Act, including providing extensive notice to the State Bar regarding my claims. This notice, as evidenced by Exhibit 1, spanned numerous communications over a period of three years and included details about the nature of the injury, the facts of the case, and the public employees involved. I believe this extensive notice provided the State Bar with sufficient information to investigate and respond to my claims.
5. The State Bar's regulatory role over unaccredited law schools, including its responsibility to ensure compliance with educational standards, is acknowledged in Exhibit 2. This exhibit contains a 2023 communication from the State Bar, specifically addressing my request for review under the unaccredited law school rule 5.6. In this communication, the State Bar acknowledges receipt of 'several emails' I had previously sent, outlining my concerns about PCL. This acknowledgment of receiving my communications, detailing concerns about PCL, further implicates the question of substantial compliance with the California Government

1 Claims Act, a factual determination best left to the finder of fact after discovery. The State
2 Bar's acknowledgment of its regulatory role underscores its direct involvement in overseeing
3 institutions like PCL and its potential liability for failing to protect students from the harmful
4 practices of those institutions.
5

- 6
- 7 6. The State Bar was aware of PCL's history of non-compliance with regulations, including
8 inaccurate record-keeping, misleading disclosures, and discriminatory practices. This
9 awareness is evidenced by the release of Exhibits 201A and 201B, which detailed PCL's non-
10 compliance and the State Bar's decision to revoke PCL's registration and terminate its degree-
11 granting authority.
12
- 13 7. Exhibits 201A and 201B provided concrete evidence of PCL's misconduct and the State Bar's
14 awareness of the issues, corroborating my allegations and strengthening my claims.
15
- 16 8. The State Bar's release of Exhibits 201A and 201B demonstrates its active involvement in
17 overseeing and regulating unaccredited law schools like PCL. This regulatory role implies an
18 ongoing investigation and monitoring of PCL's compliance with educational standards.
19
- 20 9. My prompt filing of a request for judicial notice of Exhibits 201A and 201B highlights the
21 significance of these exhibits in establishing the State Bar's knowledge and investigation of
22 PCL's misconduct.
23
- 24 10. The information contained in Exhibits 201A and 201B allowed me to further refine and
25 clarify the complaints presented in the TAC, indicating that the State Bar's investigation
26 provided valuable evidence to support my claims.
27
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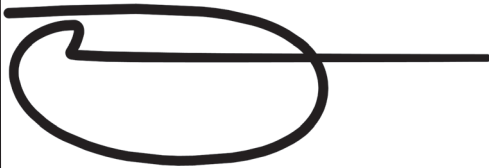
- 1 11. The TAC sufficiently states claims against the Defendants and any remaining concerns can be
2 addressed through discovery.
3
- 4 12. I believe that the Defendants' persistent objections, despite appropriate revisions to the TAC,
5 suggest that further amendment would be futile because the Defendants appear more
6 interested in delaying the litigation and avoiding discovery than in engaging with the merits of
7 the case.
8
- 9 13. The State Bar's motion fails to establish the necessary foundation for taking judicial notice of
10 the documents. FRE 201 requires that the fact be "not subject to reasonable dispute" and "can
11 be accurately and readily determined from sources whose accuracy cannot reasonably be
12 questioned." The State Bar merely asserts that the documents are public records without
13 providing any evidence or authentication to support this claim.
14
- 15 14. The documents presented by the State Bar are subject to reasonable dispute and are central to
16 the contested issues in the case. Specifically, the government claim form and the State Bar's
17 response are directly relevant to the issue of timeliness and the extent of the State Bar's
18 knowledge of Plaintiff's claims. Taking judicial notice of these documents would effectively
19 resolve these disputed issues in favor of the State Bar without a proper evidentiary hearing.
20
- 21 15. The State Bar's request for judicial notice presents an incomplete and potentially misleading
22 record to the court. By omitting the December 2022 claim and other relevant communications,
23 I assert the State Bar is selectively presenting evidence to support its position while ignoring
24 evidence that favors the Plaintiff. This selective presentation violates the principles of fairness
25 and due process.
26
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1 16. The State Bar's motion appears to be an attempt to circumvent the normal discovery process
2 and obtain a premature resolution of disputed factual issues. Judicial notice is not intended to
3 be a substitute for proper evidence and should not be used to resolve contested issues that
4 require further factual development.
5

6
7 I declare under penalty of perjury under the laws of the United States of America that the foregoing is
8 true and correct.
9

10 Dated: October 8, 2024

11 Respectfully submitted,
12

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16 Todd R.G. Hill
17 Plaintiff, in Propria Persona
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EXHIBIT 1



Todd Hill <toddryangregoryhill@gmail.com>

Public Comment of Todd Hill; Notice of Lis Pendens for STATE BAR

14 messages

Todd Hill <toddryangregoryhill@gmail.com>
To: secretariat <secretariat@calbar.ca.gov>

Tue, Mar 14, 2023 at 10:23 AM

Please accept and distribute as public comment for March 16, Audit Committee.

In addition, where can one locate the corpus of public comment submitted by the public to make direct inquiry against?

Thanks in advance.

Todd

----- Forwarded message -----

From: Todd Hill <toddryangregoryhill@gmail.com>

To: "David Bouffard (davidtylerbouffard@hotmail.com)" <davidtylerbouffard@hotmail.com>, Kevin Clinton <CarolJD@pacbell.net>, C Franco <cfranco7@hotmail.com>, Kevin Clinton <josh_g19@yahoo.com>, Todd Hill <toddryangregoryhill@gmail.com>, Kevin Clinton <hectorpena@ucla.edu>, Kevin Clinton <hsan213@yahoo.com>, Prem Sarin <premanantonio1@hotmail.com>, Kevin Clinton <sarinanaesquire@gmail.com>, gsilbiger@peoplescollegeoflaw.edu, Kevin Clinton <ira@spirolawcorp.com>, Kevin Clinton <pascualt0@yahoo.com>, Kevin Clinton <christina.marin.gonzalez@gmail.com>, Kevin Clinton <edith_pomposo@baylor.edu>, Kevin Clinton <adregistrar1974@gmail.com>, Kevin Clinton <louisa.ayrapetyan@calbar.ca.gov>, george.cardona@calbar.ca.gov, gina.crawford@calbar.ca.gov, ellin.davytyan@calbar.ca.gov, juan.delacruz@calbar.ca.gov, Kevin Clinton <ruben.duran@calbar.ca.gov>, jay.frykberg@calbar.ca.gov, anthony.garcia@calbar.ca.gov, suzanne.grandt@calbar.ca.gov, james.herman@calbar.ca.gov, alfredo.hernandez@calbar.ca.gov, "donna.hershkowitz@calbar.ca.gov" <donna.hershkowitz@calbar.ca.gov>, caroline.holmes@calbar.ca.gov, Kevin Clinton <vanessa.holton@calbar.ca.gov>, elizabeth.hom@calbar.ca.gov, Kevin Clinton <natalie.hope@calbar.ca.gov>, larry.kaplan@calbar.ca.gov, paul.kramer@calbar.ca.gov, jean.krisilnikoff@calbar.ca.gov, david.lawrence@calbar.ca.gov, melanie.lawrence@calbar.ca.gov, Kevin Clinton <natalie.leonard@calbar.ca.gov>, steve.mazer@calbar.ca.gov, steve.mazor@calbar.ca.gov, eli.morgenstern@calbar.ca.gov, carmen.nunez@calbar.ca.gov, Kevin Clinton <joan.randolph@calbar.ca.gov>, imelda.santiago@calbar.ca.gov, shataka.shore-brooks@calbar.ca.gov, brandon.stallings@calbar.ca.gov, mark.toney@calbar.ca.gov, Kevin Clinton <leaht.wilson@calbar.ca.gov>, kim.wong@calbar.ca.gov, yun.xiang@calbar.ca.gov, enrique.zuniga@calbar.ca.gov, Brandon.Krueger@calbar.ca.gov, Elizabeth.Bradley@calbar.ca.gov, Hunter.Starr@calbar.ca.gov, Kevin Clinton <admissions@calbar.ca.gov>, Kevin Clinton <law.schools@calbar.ca.gov>, cbe@calbar.ca.gov, mark.broughton@calbar.ca.gov, melanie.shelby@calbar.ca.gov, gregory.knoll@calbar.ca.gov, "Sowell, Arnold" <arnold.sowell@calbar.ca.gov>, hailyn.chen@calbar.ca.gov, Linda Keller <lkeller@tjsl.edu>, Devan.McFarland@calbar.ca.gov

Cc: Kevin Clinton <antitrustrequest@calbar.ca.gov>, Kevin Clinton <antitrust@ftc.gov>, Antitrust@calawyers.org, valencia_vallery@cacd.uscourts.gov, judicialcouncil@jud.ca.gov, Jorge.Navarrete@jud.ca.gov, tani.cantil-sakuye@jud.ca.gov

Bcc:

Date: Sun, 12 Mar 2023 22:15:12 -0700

Subject: Memorialization; Notice of Motion for Disqualification of Counsel; Notice of Lis Pendens for PCL and STATE BAR defendants.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To State Bar Defendants: Please accept this as a clarificatory response to your memorialization of our conversation of March 9, 2023.

To State Bar and PCL Defendants:

This also serves as an additional formal and final notice of the imminent intent to file related to case 2:3-cv-1298-JLS(PDx):

- 1. Notice of Motion and Motion to Disqualify Counsel;**
- 2. Notice of Motion Seeking Sanctions Under Fed. R. Civ. P. 11(b);**
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Included below are the legal bases and analysis for the above motions.

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The bases of plaintiff's claims lie in breach of fiduciary duty, breach of contract, breach of implied covenant of good faith and fair dealing, fraud by intentional misrepresentation, fraud by concealment, retaliation, "unfair business practices" under §17200 and false claims under §17500, various business and professions code violations.

Plaintiff asserts based on reasonable belief and personal experience that Defendant's conduct both individually and in the aggregate is unlawful in nature and likely criminal in totality.

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Here, Plaintiff's alleged injuries are reasonably believed substantially derived from state actor participation, in fact, by the same State Actors who are participating in the active representation of the Defendants.

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a. Here, PCL defrauded students, failed to disgorge funds, then used its position to extort more funds threatening denial of class access, then fails to fulfill 4L obligations to student. STATE BAR adopts the same position after placing institution on “probationary status.

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i. Through negligence in performance of its internal administrative procedures in rulemaking.

- ii. Through negligence in performance of its regulatory functions, including in its failures to provide timely notice of school standing or compliance to the public, attempts to conceal and overt affirmative acts by agents in “bad faith” or abrogation of duty has
 - iii. Through ultra vires “rulemaking” and policy enforcement, at times in direct conflict with its statutory or Judicial administrative directives;
 - iv. Through other approaches to rulemaking, policy enforcement, or program implementation that are unlawful or otherwise tend to reflect poorly on the practice of the profession or its integrity.
- e. Plaintiff has made formal complaints related to specific State Bar defendants, including but not limited to:
- i. Ellin Davytyan, General Counsel, who had direct responsibility and oversight of the production of two (2) antitrust determinations where the office failed to recuse itself or substantively, in a manner concurrent with the due process requirements dictated under judicial administrative order.
1. Ms. Daytyan (“DAVYTYAN”) was both expressly and constructively aware of both her professional and fiduciary duties at the time. Ms. Davytyan caused or facilitated through her role as General Counsel the delivery of these documents on two separate occasions, using her authority and office personnel, including:
- a. Defendant Joan Randolph (“RANDOLPH”), Secretary for the Office of General Counsel, ”) was both expressly and constructively aware of both her professional and fiduciary duties at the time and sent

the first non-compliant antitrust determination to plaintiff on or around January 20, 2023.

b. Defendant Jill Krasilnikoff (“KRASILNIKOFF”),”) was both expressly and constructively aware of both her professional and fiduciary duties at the time and with RANDOLPH sent the second noncompliant response to the antitrust determination request on or around February 8, 2023.

c. All responses clearly lacked substantive review; even if the responses had been “materially” adequate, failure to recuse voids the process. Failure by the Office of Chief trial Counsel to intervene also yields a voided process. Failure by WILSON, DURAN, SOWELL, SHELBY, BROUGHTON, CISNEROS, TONEY, ARAPYETYAN and the other named defendants is at least omission abrogative of the duty to loyalty to the State Bar and the Judiciary as institutions.

d. Plaintiff asserts that the Defendants also had a specific and special privity relationship to him as well, and consequently the “failure” by the Defendants is manifold, but also likely makes current Defendant counsel options untenable.

e. Plaintiff asserts, pursuant to John Hopkins University v. Cellpro, 978 F. Supp. 184 (D. Del. 1997) that STATE BAR Defendants reliance on these documents constitutes “willful infringement” as no reasonable

person in similar circumstance would rely on them.^[2]

f. Given the nature, employment, or education of the defendants, ALL are constructively and expressly aware of these issues prior to their review in this document, yet in abject failure of conduct to meet duty standard, force the preparation of this document with the requisite additional time for court review, for unlawful and vexatious purpose, as no non-capricious rationale is sustainable in this context.

ii. George Cardona (“CARDONA”), Chief Trial Counsel, was both constructively and expressly aware from the time of request and final production of the determinations and had direct responsibility for the production of the determinations or their production by a non-conflicted non-biased^[3] representative, instead in apparent abrogation of those duties electing to NOT PROTECT either the public or the STATE BAR as an institution, from this ultra vires activity.

iii. Leah Wilson (“WILSON”), Executive Director, was both constructively and expressly aware from the time of request and final production of the determinations and had direct responsibility for the production of the determinations or their production by a non-conflicted non-biased representative, instead in apparent abrogation of those duties electing to NOT PROTECT either the public or the STATE BAR as an institution, from this ultra vires activity.

iv. Ruben Duran (“DURAN”), Board Chair, was both constructively and expressly aware from the time of request and final production of the determinations and had direct responsibility for the production of the determinations or their production by a non-conflicted non-biased representative, instead in apparent abrogation of those duties electing to NOT PROTECT either the public or the STATE BAR as an institution, from this ultra vires activity.

v. The majority of State Bar Defendants meet the conduct ascribed to DAVYTYAN, RANDOLPH, KRASILNIKOFF, CARDONA, WILSON, and DURAN, including KRAMER, BUENAVENTURA, LEONARD, BROUGHTON, CHEN, MAZER, and GOODE (not named as Defendant but constructively and expressly aware.)

Standing for Current Issues and Motions

a. Article III Standing

Plaintiff’s standing assertions rest on past, present, imminent, and certain injury.

Plaintiff sent Notice of Violation^[4] related to the Bane Act to STATE BAR on February 8, 2023 at 6:09 pm PST. Here he noticed STATE BAR of the use of a physical presence rule disconnected with any actual or

substantive educational requirement.

During our conversation of March 9, 2023, I reiterated that this was a form of “unlawful detention”, as the failure to follow due process by the State Bar and its regulated entities, as well as the knowledge by operators under its regulatory schema of lax or non-enforcement, was the substantial factor in the creation of this circumstance.

In addition, the school was allowed to extort, convert, and retain moneys under “color of law and right” when the school per rule had no authority to do so. The school still holds those funds while Plaintiff struggles from the economic impact of theft.

"Article III standing requires an injury that is actual or imminent, not conjectural or hypothetical. In the context of injunctive relief, the plaintiff must demonstrate a **real or immediate threat** of an irreparable injury." Hangarter v. Provident Life & Accident Ins. Co., 373 F.3d 998, 1021 (9th Cir. 2004); see also People v. Toomey, 157 Cal. App. 3d 1, 20 (1984) (holding that "a showing of threatened future harm or continuing violation is required" before a court can impose an injunction under California's Business and Professions Code). MidSouth's conclusory assertion that it "will continue to be damaged," (ECF no. 10 ¶ 54), "fails to [sufficiently] allege that it has suffered any ongoing injury from [Counter-Defendant]'s anticompetitive conduct." In re Napster, Inc. Copyright Litig., 354 F. Supp. 2d 1113, 1127 (N.D. Cal. 2005) ("[T]he court holds that [the counter-claimant] has failed to allege any set of facts that would entitle it to . . . injunctive relief under California Business and Professions Code sections 17200 and 17203."). Therefore, Counter-Defendants' motion to dismiss MidSouth's unfair business practices claim seeking injunctive relief is granted. Country Visions, Inc. v. Midsouth LLC, No. 2:15-cv-01740-TLN-CKD, (E.D. Cal. Apr. 21, 2016)

Here, Plaintiff asserts the defined standard for standing is met because the harms are certain and sustained while the STAT BAR is the sole monopoly regulator of PCL.

b. Defendant's conduct contrary to duty and rhetoric. [5]

“After each repair attempt, a continuation, change or resumption of damage ‘recurred’” (Alkemade v. Quanta Indem. Co., 28 F. Supp. 3d 1125, 1133 (D. Or. 2014))

1. The State Bar has permitted, facilitated, and supported PEOPLE'S COLLEGE OF LAW's ("PCL") longstanding violation the California Postsecondary Education Act of 2009 (CPEA) inappropriately denying full credit for coursework Mr. Hill completed that meets the requisite hours requirement as, which is a detriment to Mr. Hill making progress toward a law degree and the free exercise of the actual "value" of his education.
2. Plaintiff was prevented from transfer or other civil protections.
3. Plaintiff has been subjected to criminal activity under color of right without protection with the STATE BAR as a substantial factor.
4. PCL Defendants, including SPIRO, have longstanding and "close" professional ties as SPIRO has "served" in many differing capacities.

Here, Plaintiffs injury is tolling and ongoing, with no good faith indication from the STATE Bar of any intent to appropriately intervene or reconcile the circumstance.

In addition, the following issues arise as relevant questions because Defendants express or constructive knowledge of the following rules infringed upon or appearing as such, including:

State Bar Conduct is Inconsistent with the Rules of Professional Conduct (BPC § 6077)

Generally, Rule 1.7 Conflict of Interest: Current Clients governs required client disclosures, consent conditions and format.

1. CRPC 1.7(b) and (c) Govern Conflict of Interest: Issues here relate to the conditions eligible and acceptable for Client Waiver. The representation here is likely prohibited by law because defendants elect to employ conflicted counsel where the counsel offering the assistance has a "duty of undivided loyalty", requiring written waiver and disclosure to effect representation. Here the Plaintiff has alleged conspiracy, entwined operations of RICO enterprise, obstruction, and fraud, all of which impugn "moral turpitude"^[6], but also alleges on reasonable belief and experience that the Defendants have a "**special relationship**" to the Plaintiff, both by statute and contract (matriculation agreement, student registration with State Bar and participation in various mandated practices with the ultimate goal of Bar Admission).

a. The “written disclosures” required for waiver likely contain information that would not have any claim to privilege or confidentiality; thus, it is an easily raised issue that the STATE BAR, as an agency expected to operate under the highest standards of conduct in maintenance of both fairness and positive public perception of the legal process. To raise the question, deliberately (in signed writing) and in protracted action, is violative of the corer precept, and in circumstances involving the “ordinary member of the profession in good standing” would be cause for sanction or disbarment.

i. The “disclosures” imply “privilege’ where the conduct is per se barred from privilege.

ii. Defendant’s conduct is designed to “cloud” the Plaintiff’s claims unfairly and in violation of his due process privilege; here, given the constructive and express knowledge of the parties, the “raise of the question” is sufficient for disbarment proceedings.

b. The STATE BAR and PCL defendants cannot offer tenable reason that the conduct here is NOT in fact subject to judicial sanction under Rule 11b.

2. CRPC 1.7(d)(2) Governs Conflict of Interest: Issues here relate to the conditions eligible and acceptable for Client Waiver. The representation here is likely prohibited by law because defendants elect to employ conflicted counsel, requiring written waiver and disclosure. Because the Plaintiff has alleged conspiracy, entwined operations of RICO enterprise, obstruction, and fraud, all of which impugn “moral turpitude

3. CRPC 1.7(d)(2) Governs Conflict of Interest Client Waiver as the representation here is likely prohibited by law because

4.

2. CRPC 5.1 Governs Supervisory Lawyer, Law Firm Conduct

3. CRPC 8.4 Governs Willful Violations, Enablement of Violations

c. Justification of Sanctions Request

Plaintiff asserts the axiomatic, that Defendants have express and constructive knowledge and a myriad of reasons that the approach to “representation” should and would not be entertained by any “reasonable person” or non-culpable professional.

Those reasons include but are not limited to:

1.

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2 attachments

 **PCLSTATEBAR NOTICE OF COUNSEL DISQUAL AND LIS PENDENS 03122023 THILL.pdf**
495K

 **verified filing Case 2-23-cv-01298-JLS-PD HILL v 031139513123 (1).pdf**
5474K

secretariat <secretariat@calbar.ca.gov>
To: Todd Hill <toddryanggregoryhill@gmail.com>

Tue, Mar 14, 2023 at 7:39 PM

Received, thank you.

Louisa Ayrapetyan (she/her/hers) | [Hear my name](#)

Board Secretary/Principal Program Analyst, Office of the Executive Director

[The State Bar of California](#) | 845 South Figueroa Street | Los Angeles, CA 90017

213-765-1375 | louisa.ayrapetyan@calbar.ca.gov

Working to protect the public in support of the mission of the State Bar of California.

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From: Todd Hill <toddryanggregoryhill@gmail.com>
Sent: Tuesday, March 14, 2023 10:24 AM
To: secretariat <secretariat@calbar.ca.gov>
Subject: Public Comment of Todd Hill; Notice of Lis Pendens for STATE BAR

Please accept and distribute as public comment for March 16, Audit Committee.

In addition, where can one locate the corpus of public comment submitted by the public to make direct inquiry against?

Thanks in advance.

Todd

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From: Todd Hill <toddryangregoryhill@gmail.com>

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Cc: Kevin Clinton <antitrustrequest@calbar.ca.gov>, Kevin Clinton <antitrust@ftc.gov>, Antitrust@calawyers.org, valencia_vallery@cacd.uscourts.gov, judicialcouncil@jud.ca.gov, Jorge.Navarrete@jud.ca.gov, tani.cantil-sakuye@jud.ca.gov

Bcc:

Date: Sun, 12 Mar 2023 22:15:12 -0700

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 - ii. Through negligence in performance of its regulatory functions, including in its failures to provide timely notice of school standing or compliance to the public, attempts to conceal and overt affirmative acts by agents in “bad faith” or abrogation of duty has
 - iii. Through ultra vires “rulemaking” and policy enforcement, at times in direct conflict with its statutory or Judicial administrative directives;
 - iv. Through other approaches to rulemaking, policy enforcement, or program implementation that are unlawful or otherwise tend to reflect poorly on the practice of the profession or its integrity.
- e. Plaintiff has made formal complaints related to specific State Bar defendants, including but not limited to:
- i. Ellin Davytyan, General Counsel, who had direct responsibility and oversight of the production of two (2) antitrust determinations where the office failed to recuse itself or substantively, in a manner concurrent with the due process requirements dictated under judicial administrative order.

1. Ms. Daytyan (“DAVYTYAN”) was both expressly and constructively aware of both her professional and fiduciary duties at the time. Ms. Davytyan

caused or facilitated through her role as General Counsel the delivery of these documents on two separate occasions, using her authority and office personnel, including:

- a. Defendant Joan Randolph (“RANDOLPH”), Secretary for the Office of General Counsel, ”) was both expressly and constructively aware of both her professional and fiduciary duties at the time and sent the first non-compliant antitrust determination to plaintiff on or around January 20, 2023.
- b. Defendant Jill Krasilnikoff (“KRASILNIKOFF”), ”) was both expressly and constructively aware of both her professional and fiduciary duties at the time and with RANDOLPH sent the second noncompliant response to the antitrust determination request on or around February 8, 2023.
- c. All responses clearly lacked substantive review; even if the responses had been “materially” adequate, failure to recuse voids the process. Failure by the Office of Chief trial Counsel to intervene also yields a voided process. Failure by WILSON, DURAN, SOWELL, SHELBY, BROUGHTON, CISNEROS, TONEY, ARAPYETYAN and the other named defendants is at least omission abrogative of the duty to loyalty to the State Bar and the Judiciary as institutions.
- d. Plaintiff asserts that the Defendants also had a specific and special privity relationship to him as well, and consequently the “failure” by the Defendants is manifold, but also likely makes current Defendant counsel options untenable.
- e. Plaintiff asserts, pursuant to John Hopkins University v. Cellpro, 978 F. Supp. 184 (D. Del. 1997) that STATE BAR Defendants reliance

on these documents constitutes “willful infringement” as no reasonable person in similar circumstance would rely on them.^[2]

f. Given the nature, employment, or education of the defendants, ALL are constructively and expressly aware of these issues prior to their review in this document, yet in abject failure of conduct to meet duty standard, force the preparation of this document with the requisite additional time for court review, for unlawful and vexatious purpose, as no non-capricious rationale is sustainable in this context.

ii. George Cardona (“CARDONA”), Chief Trial Counsel, was both constructively and expressly aware from the time of request and final production of the determinations and had direct responsibility for the production of the determinations or their production by a non-conflicted non-biased^[3] representative, instead in apparent abrogation of those duties electing to NOT PROTECT either the public or the STATE BAR as an institution, from this ultra vires activity.

iii. Leah Wilson (“WILSON”), Executive Director, was both constructively and expressly aware from the time of request and final production of the determinations and had direct responsibility for the production of the determinations or their production by a non-conflicted non-biased representative, instead in apparent abrogation of those duties electing to NOT PROTECT either the public or the STATE BAR as an institution, from this ultra vires activity.

iv. Ruben Duran (“DURAN”), Board Chair, was both constructively and expressly aware from the time of request and final production of the determinations and had direct responsibility for the production of the determinations or their production by a non-conflicted non-biased representative, instead in apparent abrogation of those duties electing to NOT PROTECT either the public or the STATE BAR as an institution, from this ultra vires activity.

v. The majority of State Bar Defendants meet the conduct

ascribed to DAVYTYAN, RANDOLPH, KRASILNIKOFF, CARDONA, WILSON, and DURAN, including KRAMER, BUENAVENTURA, LEONARD, BROUGHTON, CHEN, MAZER, and GOODE (not named as Defendant but constructively and expressly aware.)

Standing for Current Issues and Motions

a. Article III Standing

Plaintiff's standing assertions rest on past, present, imminent, and certain injury.

Plaintiff sent Notice of Violation^[4] related to the Bane Act to STATE BAR on February 8, 2023 at 6:09 pm PST. Here he noticed STATE BAR of the use of a physical presence rule disconnected with any actual or substantive educational requirement.

During our conversation of March 9, 2023, I reiterated that this was a form of "unlawful detention", as the failure to follow due process by the State Bar and its regulated entities, as well as the knowledge by operators under its regulatory schema of lax or non-enforcement, was the substantial factor in the creation of this circumstance.

In addition, the school was allowed to extort, convert, and retain moneys under "color of law and right" when the school per rule had no authority to do so. The school still holds those funds while Plaintiff struggles from the economic impact of theft.

"Article III standing requires an injury that is actual or imminent, not conjectural or hypothetical. In the context of injunctive relief, the plaintiff must demonstrate a **real or immediate threat** of an irreparable injury." Hangarter v. Provident Life & Accident Ins. Co., 373 F.3d 998, 1021 (9th Cir. 2004); see also People v. Toomey, 157 Cal. App. 3d 1, 20 (1984) (holding that "a showing of threatened future harm or continuing violation is required" before a court can impose an injunction under California's Business and Professions Code). MidSouth's conclusory assertion that it "will continue to be damaged," (ECF no. 10 ¶ 54), "fails to [sufficiently] allege that it has suffered any ongoing injury from [Counter-Defendant]'s anticompetitive conduct." In re Napster, Inc. Copyright

Litig., 354 F. Supp. 2d 1113, 1127 (N.D. Cal. 2005) ("[T]he court holds that [the counter-claimant] has failed to allege any set of facts that would entitle it to . . . injunctive relief under California Business and Professions Code sections 17200 and 17203."). Therefore, Counter-Defendants' motion to dismiss MidSouth's unfair business practices claim seeking injunctive relief is granted. *Country Visions, Inc. v. Midsouth LLC*, No. 2:15-cv-01740-TLN-CKD, (E.D. Cal. Apr. 21, 2016)

Here, Plaintiff asserts the defined standard for standing is met because the harms are certain and sustained while the STAT BAR is the sole monopoly regulator of PCL.

b. Defendant's conduct contrary to duty and rhetoric.^[5]

"After each repair attempt, a continuation, change or resumption of damage 'recurred'" (*Alkemade v. Quanta Indem. Co.*, 28 F. Supp. 3d 1125, 1133 (D. Or. 2014))

1. The State Bar has permitted, facilitated , and supported PEOPLE'S COLLEGE OF LAW's ("PCL") longstanding violation the California Postsecondary Education Act of 2009 (CPEA) inappropriately denying full credit for coursework Mr. Hill completed that meets the requisite hours requirement as , which is a detriment to Mr. Hill making progress toward a law degree and the free exercise of the actual 'value" of his education.
2. Plaintiff was prevented from transfer or other civil protections.
3. Plaintiff has been subjected to criminal activity under color of right without protection with the STATE BAR as a substantial factor.
4. PCL Defendants, including SPIRO, have longstanding and "close" professional ties as SPIRO has "served" in many differing capacities.

Here, Plaintiffs injury is tolling and ongoing, with no good faith indication form the STATE Bar of any intent to appropriately intervene or reconcile the circumstance.

In addition, the following issues arise as relevant questions because Defendants express or constructive knowledge of the following rules infringed upon or appearing as such, including:

State Bar Conduct is Inconsistent with the Rules of Professional Conduct (BPC § 6077)

Generally, Rule 1.7 Conflict of Interest: Current Clients governs required client disclosures, consent conditions and format.

1. CRPC 1.7(b) and (c) Govern Conflict of Interest: Issues here relate to the conditions eligible and acceptable for Client Waiver. The representation here is likely prohibited by law because defendants elect to employ conflicted counsel where the counsel offering the assistance has a “duty of undivided loyalty”, requiring written waiver and disclosure to effect representation. Here the Plaintiff has alleged conspiracy, entwined operations of RICO enterprise, obstruction, and fraud, all of which impugn “moral turpitude”^[6], but also alleges on reasonable belief and experience that the Defendants have a “**special relationship**” to the Plaintiff, both by statute and contract (matriculation agreement, student registration with State Bar and participation in various mandated practices with the ultimate goal of Bar Admission).

a. The “written disclosures” required for waiver likely contain information that would not have any claim to privilege or confidentiality; thus, it is an easily raised issue that the STATE BAR, as an agency expected to operate under the highest standards of conduct in maintenance of both fairness and positive public perception of the legal process. To raise the question, deliberately (in signed writing) and in protracted action, is violative of the corer precept, and in circumstances involving the “ordinary member of the profession in good standing” would be cause for sanction or disbarment.

i. The “disclosures” imply “privilege’ where the conduct is **per se barred from privilege.**

ii. Defendant’s conduct is designed to “cloud” the **Plaintiff’s claims unfairly and in violation of his due process privilege; here, given the constructive and express knowledge of the parties, the “raise of the question” is sufficient for disbarment proceedings.**

b. The STATE BAR and PCL defendants cannot offer tenable reason that the conduct here is NOT in fact subject to judicial sanction under Rule 11b.

2. CRPC 1.7(d)(2) Governs Conflict of Interest: Issues here relate to the conditions eligible and acceptable for Client Waiver. The representation here is likely prohibited by law because defendants elect to employ conflicted counsel, requiring written waiver and disclosure. Because the Plaintiff has alleged conspiracy, entwined operations of RICO enterprise, obstruction, and fraud, all of which impugn “moral turpitude

3. CRPC 1.7(d)(2) Governs Conflict of Interest Client Waiver as the representation here is likely prohibited by law because

4.

2. CRPC 5.1 Governs Supervisory Lawyer, Law Firm Conduct

3. CRPC 8.4 Governs Willful Violations, Enablement of Violations

c. Justification of Sanctions Request

Plaintiff asserts the axiomatic, that Defendants have express and constructive knowledge and a myriad of reasons that the approach to “representation” should and would not be entertained by any “reasonable person” or non-culpable professional.

Those reasons include but are not limited to:

1.

--

Confidentiality Notice

The content of this email is confidential and intended for the recipient specified in the message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.

I believe your security is a high priority. Therefore, I have made reasonable effort in ensuring that the message is error and virus-free. Unfortunately, full security of the email cannot be ensured as, despite my efforts, the data included in emails could be infected, intercepted, or corrupted.

Therefore, the recipient should check the email for threats with proper software, as the sender does not accept liability for any damage inflicted by viewing or manipulation of the content of this email.

Please do not print this email unless it is necessary. Every unprinted email helps the environment.

Aviso de confidencialidad

El contenido de este correo electrónico es confidencial y está destinado únicamente al destinatario especificado en el mensaje. Está estrictamente prohibido compartir cualquier parte de este mensaje con terceros, sin el consentimiento por escrito del remitente. Si recibió este mensaje por error, responda a este mensaje y continúe con su eliminación, para que podamos asegurarnos de que ese error no ocurra en el futuro.

Creo que su seguridad es una alta prioridad. Por lo tanto, he hecho un esfuerzo razonable para asegurarme de que el mensaje no contenga errores ni virus. Desafortunadamente, no se puede garantizar la seguridad total del correo electrónico ya que, a pesar de mis esfuerzos, los datos incluidos en los correos electrónicos podrían estar infectados, interceptados o dañados. Por lo tanto, el destinatario debe verificar el correo electrónico en busca de amenazas con el software adecuado, ya que el remitente no acepta responsabilidad por cualquier daño infligido al ver o manipular el contenido de este correo electrónico.

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기밀성 고지

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나는 당신의 보안이 최우선이라고 생각합니다. 따라서 메시지에 오류가 있고 바이러스가 없는지 확인하기 위해 합리적인 노력을 기울였습니다. 안타깝게도 내 노력에도 불구하고 이메일에 포함 된 데이터가 감염, 가로 채기 또는 손상 될 수 있으므로 이메일의 완전한 보안을 보장 할 수 없습니다. 따라서 수신자는이 이메일의 내용을 보거나 조작하여 발생한 피해에 대해 책임을지지 않으므로 적절한 소프트웨어로 위협이 있는지 이메일을 확인해야 합니다.

필요한 경우가 아니면이 이메일을 인쇄하지 마십시오. 인쇄되지 않은 모든 이메일은 환경에 도움이 됩니다.

Todd Hill <toddryangregoryhill@gmail.com>

To: "Krasilnikoff, Jean" <Jean.Krasilnikoff@calbar.ca.gov>

Cc: CTC <ctc@calbar.ca.gov>, "Kramer, Paul" <paul.kramer@calbar.ca.gov>, "RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE" <GC@calbar.ca.gov>, "RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE" <leaht.wilson@calbar.ca.gov>, "Shelby, Melanie" <melanie.shelby@calbar.ca.gov>, "Sowell, Arnold" <arnold.sowell@calbar.ca.gov>, "Stallings, Brandon" <brandon.stallings@calbar.ca.gov>, "Toney, Mark" <mark.toney@calbar.ca.gov>, "Zuniga, Enrique" <enrique.zuniga@calbar.ca.gov>, ellin.davytyan@calbar.ca.gov, george.cardona@calbar.ca.gov, judicialcouncil@jud.ca.gov

Ms. Krasilnikoff,

I was able to locate the original sending of the "motion in opposition to counsel" document from March 2023.....almost 7 months ago.

You were cc:ed at that time.

Todd

[Quoted text hidden]

2 attachments



PCLSTATEBAR NOTICE OF COUNSEL DISQUAL AND LIS PENDENS 03122023 THILL.pdf
495K



verified filing Case 2-23-cv-01298-JLS-PD HILL v 031139513123 (1).pdf
5474K

Todd Hill <toddryangregoryhill@gmail.com>

Thu, Oct 5, 2023 at 4:57 AM

To: Antitrust@calawyers.org, Genaro <genaro.trejo@calbar.ca.gov>, Hailyn <hailyn.chen@calbar.ca.gov>, "Navarrete, Jorge" <Jorge.Navarrete@jud.ca.gov>, "RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE" <fbi_ncra_duty@fbi.gov>, "RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE" <audrey.ching@calbar.ca.gov>, "RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE" <antitrustrequest@calbar.ca.gov>, "Stallings, Brandon" <brandon.stallings@calbar.ca.gov>, civil.rights@usdoj.gov, david.lane@calbar.ca.gov, "donna.hershkowitz@calbar.ca.gov" <donna.hershkowitz@calbar.ca.gov>, patricia.guerrero@jud.ca.gov, sgood@fbm.com, tani.cantil-sakuye@jud.ca.gov

All,

Please see attached supporting documents and email likely demonstrative of the State Bar's long-standing and ongoing use of counsel likely in direct opposition to the tenets of professional responsibility.

[Quoted text hidden]

2 attachments



PCLSTATEBAR NOTICE OF COUNSEL DISQUAL AND LIS PENDENS 03122023 THILL.pdf
495K



verified filing Case 2-23-cv-01298-JLS-PD HILL v 031139513123 (1).pdf
5474K

Todd Hill <toddryangregoryhill@gmail.com>

Thu, Oct 5, 2023 at 2:10 PM

To: "vonFreyman, Craig" <Craig.VonFreyman@calbar.ca.gov>

Cc: Alfredo <alfredo.hernandez@calbar.ca.gov>, ptl@calbar.ca.gov

Originally sent this in March 2023.

Making revisions to update through the present day, where the only change in material facts seems to be State Bar's intractability and "doubling-down" on conduct that would likely have any "ordinary professional in good standing" disbarred.

[Quoted text hidden]

2 attachments



495K



verified filing Case 2-23-cv-01298-JLS-PD HILL v 031139513123 (1).pdf

5474K

postmaster@calbar.ca.gov <postmaster@calbar.ca.gov>
To: toddryangregoryhill@gmail.com

Fri, Oct 6, 2023 at 4:54 AM

Delivery has failed to these recipients or groups:

ellin.davytyan@calbar.ca.gov

Your message wasn't delivered. Despite repeated attempts to deliver your message, the recipient's email system refused to accept a connection from your email system.

Contact the recipient by some other means (by phone, for example) and ask them to tell their email admin that it appears that their email system is refusing connections from your email server. Give them the error details shown below. It's likely that the recipient's email admin is the only one who can fix this problem.

For Email Admins

No connection could be made because the target computer actively refused it. This usually results from trying to connect to a service that is inactive on the remote host - that is, one with no server application running. For more information and tips to fix this issue see this article:

<https://go.microsoft.com/fwlink/?LinkId=389361>

Diagnostic information for administrators:

Generating server: [SA1PR09MB10271.namprd09.prod.outlook.com](#)

Receiving server: [SA1PR09MB10271.namprd09.prod.outlook.com](#)

ellin.davytyan@calbar.ca.gov

10/6/2023 11:54:09 AM - Server at [SA1PR09MB10271.namprd09.prod.outlook.com](#) returned '550 5.4.316 Message expired, connection refused(Socket error code 10061)'

10/6/2023 11:43:42 AM - Server at 67.97.90.154 (67.97.90.154) returned '450 4.4.316 Connection refused [Message=Socket error code 10061] [LastAttemptedServerName=67.97.90.154] [LastAttemptedIP=67.97.90.154:25] [SmtSecurity=-2;-2] [[BL0GCC02FT038.eop-gcc02.prod.protection.outlook.com](#)] 2023-10-06T11:44:09.636Z 08DBC6548D753C68](Socket error code 10061)'

Original message headers:

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2023 10:45:07 +0000

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2023 22:37:05 +0000

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2023 11:53:07 +0000
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header.d=gmail.com; dmarc=pass action=none header.from=gmail.com; compauth=pass
reason=100
Received-SPF: Pass (protection.outlook.com: domain of gmail.com designates
209.85.128.180 as permitted sender) receiver=protection.outlook.com;
client-ip=209.85.128.180; helo=mail-yw1-f180.google.com; pr=C
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Thu, 05 Oct 2023 04:53:07 -0700 (PDT)
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From: Todd Hill <toddryanggregoryhill@gmail.com>
Date: Thu, 5 Oct 2023 21:52:44 +1000
Message-ID: <CAFCqKAKAhxbpG6dYBbhqf_xgzokn3mTZQ4YNj_yk51_8+Qu9YQ@mail.gmail.com>
Subject: Fwd: Public Comment of Todd Hill; Notice of Lis Pendens for STATE BAR
To: "Krasilnikoff, Jean" <Jean.Krasilnikoff@calbar.ca.gov>
CC: CTC <ctc@calbar.ca.gov>, "Kramer, Paul" <paul.kramer@calbar.ca.gov>,
"RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE" <GC@calbar.ca.gov>,
"RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE" <leah.wilson@calbar.ca.gov>,
"Shelby, Melanie" <melanie.shelby@calbar.ca.gov>,
"Sowell, Arnold" <arnold.sowell@calbar.ca.gov>,
"Stallings, Brandon" <brandon.stallings@calbar.ca.gov>, "Toney, Mark" <mark.toney@calbar.ca.gov>,
"Zuniga, Enrique" <enrique.zuniga@calbar.ca.gov>, ellin.davytyan@calbar.ca.gov,
george.cardona@calbar.ca.gov, judicialcouncil@jud.ca.gov
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(UTC)

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Final-Recipient: rfc822;ellin.davytyan@calbar.ca.gov

Action: failed

Status: 5.4.316

Diagnostic-Code: smtp;550 5.4.316 Message expired, connection refused

----- Forwarded message -----

From: Todd Hill <toddryanggregoryhill@gmail.com>
To: "Krasilnikoff, Jean" <Jean.Krasilnikoff@calbar.ca.gov>
Cc: CTC <ctc@calbar.ca.gov>, "Kramer, Paul" <paul.kramer@calbar.ca.gov>, "RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE" <GC@calbar.ca.gov>, "RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE" <leaht.wilson@calbar.ca.gov>, "Shelby, Melanie" <melanie.shelby@calbar.ca.gov>, "Sowell, Arnold" <arnold.sowell@calbar.ca.gov>, "Stallings, Brandon" <brandon.stallings@calbar.ca.gov>, "Toney, Mark" <mark.toney@calbar.ca.gov>, "Zuniga, Enrique" <enrique.zuniga@calbar.ca.gov>, ellin.davytyan@calbar.ca.gov, george.cardona@calbar.ca.gov, judicialcouncil@jud.ca.gov
Bcc:
Date: Thu, 5 Oct 2023 21:52:44 +1000
Subject: Fwd: Public Comment of Todd Hill;Notice of Lis Pendens for STATE BAR
Ms. Krasilnikoff,

I was able to locate the original sending of the "motion in opposition to counsel" document from March 2023.....almost 7 months ago.

You were cc:ed at that time.

Todd

----- Forwarded message -----

From: **Todd Hill** <toddryanggregoryhill@gmail.com>
Date: Wed, Mar 15, 2023 at 3:23 AM
Subject: Public Comment of Todd Hill;Notice of Lis Pendens for STATE BAR
To: secretariat <secretariat@calbar.ca.gov>

Please accept and distribute as public comment for March 16, Audit Committee.

In addition, where can one locate the corpus of public comment submitted by the public to make direct inquiry against?

Thanks in advance.

Todd

----- Forwarded message -----

From: Todd Hill <toddryanggregoryhill@gmail.com>
To: "David Bouffard (davidtylerbouffard@hotmail.com)" <davidtylerbouffard@hotmail.com>, Kevin Clinton <CarolJD@pacbell.net>, C Franco <cfranco7@hotmail.com>, Kevin Clinton <josh_g19@yahoo.com>, Todd Hill

<toddryangregoryhill@gmail.com>, Kevin Clinton <hector.pena@ucla.edu>, Kevin Clinton <nsanz13@yahoo.com>, Prem Sarin <premantonio1@hotmail.com>, Kevin Clinton <sarinanaesquire@gmail.com>, gsilbiger@peoplescollegeoflaw.edu, Kevin Clinton <ira@spiralawcorp.com>, Kevin Clinton <pascualt0@yahoo.com>, Kevin Clinton <christina.marin.gonzalez@gmail.com>, Kevin Clinton <edith_pomposo@baylor.edu>, Kevin Clinton <adregistrar1974@gmail.com>, Kevin Clinton <louisa.ayrapetyan@calbar.ca.gov>, george.cardona@calbar.ca.gov, gina.crawford@calbar.ca.gov, ellin.davytyan@calbar.ca.gov, juan.delacruz@calbar.ca.gov, Kevin Clinton <ruben.duran@calbar.ca.gov>, jay.frykberg@calbar.ca.gov, anthony.garcia@calbar.ca.gov, suzanne.grandt@calbar.ca.gov, james.herman@calbar.ca.gov, alfredo.hernandez@calbar.ca.gov, "donna.hershkowitz@calbar.ca.gov" <donna.hershkowitz@calbar.ca.gov>, caroline.holmes@calbar.ca.gov, Kevin Clinton <vanessa.holton@calbar.ca.gov>, elizabeth.hom@calbar.ca.gov, Kevin Clinton <natalie.hope@calbar.ca.gov>, larry.kaplan@calbar.ca.gov, paul.kramer@calbar.ca.gov, jean.krisilnikoff@calbar.ca.gov, david.lawrence@calbar.ca.gov, melanie.lawrence@calbar.ca.gov, Kevin Clinton <natalie.leonard@calbar.ca.gov>, steve.mazer@calbar.ca.gov, steve.mazor@calbar.ca.gov, eli.morgenstern@calbar.ca.gov, carmen.nunez@calbar.ca.gov, Kevin Clinton <joan.randolph@calbar.ca.gov>, imelda.santiago@calbar.ca.gov, shataka.shore-brooks@calbar.ca.gov, brandon.stallings@calbar.ca.gov, mark.toney@calbar.ca.gov, Kevin Clinton <leaht.wilson@calbar.ca.gov>, kim.wong@calbar.ca.gov, yun.xiang@calbar.ca.gov, enrique.zuniga@calbar.ca.gov, Brandon.Krueger@calbar.ca.gov, Elizabeth.Bradley@calbar.ca.gov, Hunter.Starr@calbar.ca.gov, Kevin Clinton <admissions@calbar.ca.gov>, Kevin Clinton <law.schools@calbar.ca.gov>, cbe@calbar.ca.gov, mark.broughton@calbar.ca.gov, melanie.shelby@calbar.ca.gov, gregory.knoll@calbar.ca.gov, "Sowell, Arnold" <arnold.sowell@calbar.ca.gov>, hailyn.chen@calbar.ca.gov, Linda Keller <lkeller@tjisl.edu>, Devan.McFarland@calbar.ca.gov
Cc: Kevin Clinton <antitrustrequest@calbar.ca.gov>, Kevin Clinton <antitrust@ftc.gov>, Antitrust@calawyers.org, valencia_vallery@cacd.uscourts.gov, judicialcouncil@jud.ca.gov, Jorge.Navarrete@jud.ca.gov, tani.cantil-sakuye@jud.ca.gov
Bcc:

Date: Sun, 12 Mar 2023 22:15:12 -0700

Subject: Memorialization; Notice of Motion for Disqualification of Counsel; Notice of Lis Pendens for PCL and STATE BAR defendants.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To State Bar Defendants: Please accept this as a clarificatory response to your memorialization of our conversation of March 9, 2023.

To State Bar and PCL Defendants:

This also serves as an additional formal and final notice of the imminent intent to file related to case 2:3-cv-1298-JLS(PDx):

- 1. Notice of Motion and Motion to Disqualify Counsel;**
- 2. Notice of Motion Seeking Sanctions Under Fed. R. Civ. P. 11(b);**
- 3. Notice of TRO – Lis Pendens for PCL and STATE BAR Defendants.**

For convenience, a PDF of the document is attached.

Included below are the legal bases and analysis for the above motions.

a. Plaintiffs core claims:

The bases of plaintiff's claims lie in breach of fiduciary duty, breach of contract, breach of implied covenant of good faith and fair dealing, fraud by intentional misrepresentation, fraud by concealment, retaliation,

“unfair business practices” under §17200 and false claims under §17500, various business and professions code violations.

Plaintiff asserts based on reasonable belief and personal experience that Defendant’s conduct both individually and in the aggregate is unlawful in nature and likely criminal in totality.

b. Remedies sought:

Plaintiff seeks injunctive and declaratory relief, as well as monetary damages.

c. Survivability of Claims under 11th Amendment or Principles of Federal Abstention

Here, Plaintiff’s alleged injuries are reasonably believed substantially derived from state actor participation, in fact, by the same State Actors who are participating in the active representation of the Defendants.

d. Examples of Plaintiffs injuries.

Plaintiff claims the following injuries stemming from Defendants affirmative and, as appears in the present circumstance, clearly concerted conduct including:

1. Violation of Equal Protection and Due Process Rights, in ongoing and tolling fashion, since 12/02/2022 to present day. Claimed rights or privileges include: Due process right to degree conferral, freedom from capricious or arbitrary detention under color of law (here four years are “required” without any educational component; preference to say the institution “forces” the circumstance versus the student attended full time.”, protection from exclusionary rule or state programs that yield “unfair” disparate impact under strict scrutiny, freedom from takings without just compensation, freedom from unreasonable seizures.

- a. Here, PCL defrauded students, failed to disgorge funds, then used its position to extort more funds threatening denial of class access, then fails to fulfill 4L obligations to student. STATE BAR adopts the same position after placing institution on “probationary status.

- i. At all times prior to 2019 through the present day, STATE BAR was aware of PCL’s non-compliant status, as publicized in its formal of letter of noncompliance to the school.

- b. Plaintiff's last day of formal classes and the breach of PCL's statutory program obligations commenced on or about 6/15/2022, notice of anticipatory repudiation given prior.
- c. STATE BAR placed PCL on probation 12/02/2022, rescinding its degree grant authority and subsuming the institutions other obligations under its sole monopoly regulatory authority in the sphere of legal education leading to recommendation for state licensure and STATE BAR admission to practice pursuant to the Supreme Court of California.
- d. Plaintiff makes substantive claims, supported by the facts, and provides irrefutable evidence^[1] of the STATE BAR's direct injuries to the Plaintiff:
 - i. Through negligence in performance of its internal administrative procedures in rulemaking.
 - ii. Through negligence in performance of its regulatory functions, including in its failures to provide timely notice of school standing or compliance to the public, attempts to conceal and overt affirmative acts by agents in "bad faith" or abrogation of duty has
 - iii. Through ultra vires "rulemaking" and policy enforcement, at times in direct conflict with its statutory or Judicial administrative directives;
 - iv. Through other approaches to rulemaking, policy enforcement, or program implementation that are unlawful or otherwise tend to reflect poorly on the practice of the profession or its integrity.
- e. Plaintiff has made formal complaints related to specific State Bar defendants, including but not limited to:

i. Ellin Davytyan, General Counsel, who had direct

responsibility and oversight of the production of two (2) antitrust determinations where the office failed to recuse itself or substantively, in a manner concurrent with the due process requirements dictated under judicial administrative order.

1. Ms. Daytyan (“DAVYTYAN”) was both expressly and constructively aware of both her professional and fiduciary duties at the time. Ms. Davytyan caused or facilitated through her role as General Counsel the delivery of these documents on two separate occasions, using her authority and office personnel, including:

a. Defendant Joan Randolph (“RANDOLPH”), Secretary for the Office of General Counsel, ”) was both expressly and constructively aware of both her professional and fiduciary duties at the time and sent the first non-compliant antitrust determination to plaintiff on or around January 20, 2023.

b. Defendant Jill Krasilnikoff (“KRASILNIKOFF”), ”) was both expressly and constructively aware of both her professional and fiduciary duties at the time and with RANDOLPH sent the second noncompliant response to the antitrust determination request on or around February 8, 2023.

c. All responses clearly lacked substantive review; even if the responses had been “materially” adequate, failure to recuse voids the process. Failure by the Office of Chief trial Counsel to intervene also yields a voided process. Failure by WILSON, DURAN, SOWELL, SHELBY, BROUGHTON, CISNEROS, TONEY, ARAPYETIAN and the other named defendants is at least omission abrogative of the duty to loyalty to the State Bar and the Judiciary as institutions.

d. Plaintiff asserts that the Defendants also had a specific and special privity relationship to him as well, and consequently the “failure” by

the Defendants is manifold, but also likely makes current Defendant counsel options untenable.

e. Plaintiff asserts, pursuant to John Hopkins University v. Cellpro, 978 F. Supp. 184 (D. Del. 1997) that STATE BAR Defendants reliance on these documents constitutes “willful infringement” as no reasonable person in similar circumstance would rely on them.^[2]

f. Given the nature, employment, or education of the defendants, ALL are constructively and expressly aware of these issues prior to their review in this document, yet in abject failure of conduct to meet duty standard, force the preparation of this document with the requisite additional time for court review, for unlawful and vexatious purpose, as no non-capricious rationale is sustainable in this context.

ii. George Cardona (“CARDONA”), Chief Trial Counsel, was both constructively and expressly aware from the time of request and final production of the determinations and had direct responsibility for the production of the determinations or their production by a non-conflicted non-biased^[3] representative, instead in apparent abrogation of those duties electing to NOT PROTECT either the public or the STATE BAR as an institution, from this ultra vires activity.

iii. Leah Wilson (“WILSON”), Executive Director, was both constructively and expressly aware from the time of request and final production of the determinations and had direct responsibility for the production of the determinations or their production by a non-conflicted non-biased representative, instead in apparent abrogation of those duties electing to NOT PROTECT either the public or the STATE BAR as an institution, from this ultra vires activity.

iv. Ruben Duran (“DURAN”), Board Chair, was both constructively and expressly aware from the time of request and final production of the determinations and had direct responsibility for the production of the

determinations or their production by a non-conflicted non-biased representative, instead in apparent abrogation of those duties electing to NOT PROTECT either the public or the STATE BAR as an institution, from this ultra vires activity.

v. The majority of State Bar Defendants meet the conduct ascribed to DAVYTYAN, RANDOLPH, KRASILNIKOFF, CARDONA, WILSON, and DURAN, including KRAMER, BUENAVENTURA, LEONARD, BROUGHTON, CHEN, MAZER, and GOODE (not named as Defendant but constructively and expressly aware.)

Standing for Current Issues and Motions

a. Article III Standing

Plaintiff's standing assertions rest on past, present, imminent, and certain injury.

Plaintiff sent Notice of Violation^[4] related to the Bane Act to STATE BAR on February 8, 2023 at 6:09 pm PST. Here he noticed STATE BAR of the use of a physical presence rule disconnected with any actual or substantive educational requirement.

During our conversation of March 9, 2023, I reiterated that this was a form of "unlawful detention", as the failure to follow due process by the State Bar and its regulated entities, as well as the knowledge by operators under its regulatory schema of lax or non-enforcement, was the substantial factor in the creation of this circumstance.

In addition, the school was allowed to extort, convert, and retain moneys under "color of law and right" when the school per rule had no authority to do so. The school still holds those funds while Plaintiff struggles from the economic impact of theft.

"Article III standing requires an injury that is actual or imminent, not conjectural or hypothetical. In the context of injunctive relief, the plaintiff must demonstrate a **real or immediate threat** of an irreparable injury." Hangarter v. Provident Life & Accident Ins. Co., 373 F.3d 998, 1021 (9th Cir. 2004); see also People v. Toomey, 157 Cal. App. 3d 1, 20 (1984) (holding that "a showing of threatened future harm or continuing violation is required" before a court can impose an injunction

under California's Business and Professions Code). MidSouth's conclusory assertion that it "will continue to be damaged," (ECF no. 10 ¶ 54), "fails to [sufficiently] allege that it has suffered any ongoing injury from [Counter-Defendant]'s anticompetitive conduct." In re Napster, Inc. Copyright Litig., 354 F. Supp. 2d 1113, 1127 (N.D. Cal. 2005) ("[T]he court holds that [the counter-claimant] has failed to allege any set of facts that would entitle it to . . . injunctive relief under California Business and Professions Code sections 17200 and 17203."). Therefore, Counter-Defendants' motion to dismiss MidSouth's unfair business practices claim seeking injunctive relief is granted. Country Visions, Inc. v. Midsouth LLC, No. 2:15-cv-01740-TLN-CKD, (E.D. Cal. Apr. 21, 2016)

Here, Plaintiff asserts the defined standard for standing is met because the harms are certain and sustained while the STAT BAR is the sole monopoly regulator of PCL.

b. Defendant's conduct contrary to duty and rhetoric. [5]

"After each repair attempt, a continuation, change or resumption of damage 'recurred'" (Alkemade v. Quanta Indem. Co., 28 F. Supp. 3d 1125, 1133 (D. Or. 2014))

1. The State Bar has permitted, facilitated , and supported PEOPLE'S COLLEGE OF LAW's ("PCL") longstanding violation the California Postsecondary Education Act of 2009 (CPEA) inappropriately denying full credit for coursework Mr. Hill completed that meets the requisite hours requirement as , which is a detriment to Mr. Hill making progress toward a law degree and the free exercise of the actual 'value' of his education.
2. Plaintiff was prevented from transfer or other civil protections.
3. Plaintiff has been subjected to criminal activity under color of right without protection with the STATE BAR as a substantial factor.
4. PCL Defendants, including SPIRO, have longstanding and "close" professional ties as SPIRO has "served" in many differing capacities.

Here, Plaintiffs injury is tolling and ongoing, with no good faith indication form the STATE Bar of any intent to appropriately intervene or reconcile the circumstance.

In addition, the following issues arise as relevant questions because Defendants express or constructive knowledge of the following rules infringed upon or appearing as such, including:

State Bar Conduct is Inconsistent with the Rules of Professional Conduct (BPC § 6077)

Generally, Rule 1.7 Conflict of Interest: Current Clients governs required client disclosures, consent conditions and format.

1. CRPC 1.7(b) and (c) Govern Conflict of Interest: Issues here relate to the conditions eligible and acceptable for Client Waiver. The representation here is likely prohibited by law because defendants elect to employ conflicted counsel where the counsel offering the assistance has a “duty of undivided loyalty”, requiring written waiver and disclosure to effect representation. Here the Plaintiff has alleged conspiracy, entwined operations of RICO enterprise, obstruction, and fraud, all of which impugn “moral turpitude”^[6], but also alleges on reasonable belief and experience that the Defendants have a **“special relationship”** to the Plaintiff, both by statute and contract (matriculation agreement, student registration with State Bar and participation in various mandated practices with the ultimate goal of Bar Admission).

a. The “written disclosures” required for waiver likely contain information that would not have any claim to privilege or confidentiality; thus, it is an easily raised issue that the STATE BAR, as an agency expected to operate under the highest standards of conduct in maintenance of both fairness and positive public perception of the legal process. To raise the question, deliberately (in signed writing) and in protracted action, is violative of the corer precept, and in circumstances involving the “ordinary member of the profession in good standing” would be cause for sanction or disbarment.

i. The “disclosures” imply “privilege’ where the conduct is per se barred from privilege.

ii. Defendant’s conduct is designed to “cloud” the Plaintiff’s claims unfairly and in violation of his due process privilege; here, given the constructive and express knowledge of the parties, the “raise of the question” is sufficient for disbarment proceedings.

b. The STATE BAR and PCL defendants cannot offer tenable reason that the conduct here is NOT in fact subject to judicial sanction under Rule 11b.

2. CRPC 1.7(d)(2) Governs Conflict of Interest: Issues here relate to the conditions eligible and acceptable for Client Waiver. The representation here is likely prohibited by law because defendants elect to employ conflicted counsel, requiring written waiver and disclosure. Because the Plaintiff has alleged conspiracy, entwined operations of RICO enterprise, obstruction, and fraud, all of which impugn “moral turpitude
3. CRPC 1.7(d)(2) Governs Conflict of Interest Client Waiver as the representation here is likely prohibited by law because
- 4.

2. CRPC 5.1 Governs Supervisory Lawyer, Law Firm Conduct

3. CRPC 8.4 Governs Willful Violations, Enablement of Violations

c. Justification of Sanctions Request

Plaintiff asserts the axiomatic, that Defendants have express and constructive knowledge and a myriad of reasons that the approach to “representation” should and would not be entertained by any “reasonable person” or non-culpable professional.

Those reasons include but are not limited to:

1.

--

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I believe your security is a high priority. Therefore, I have made reasonable effort in ensuring that the message is error and virus-free. Unfortunately, full security of the email cannot be ensured as, despite my efforts, the data included in emails could be infected, intercepted, or corrupted. Therefore, the recipient should check the email for threats with proper software, as the sender does not accept liability for any damage inflicted by viewing or manipulation of the content of this email.

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Creo que su seguridad es una alta prioridad. Por lo tanto, he hecho un esfuerzo razonable para asegurarme de que el mensaje no contenga errores ni virus. Desafortunadamente, no se puede garantizar la seguridad total del correo electrónico ya que, a pesar de mis esfuerzos, los datos incluidos en los correos electrónicos podrían estar infectados, interceptados o dañados. Por lo tanto, el destinatario debe verificar el correo electrónico en busca de amenazas con el software adecuado, ya que el remitente no acepta responsabilidad por cualquier daño infligido al ver o manipular el contenido de este correo electrónico.

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필요한 경우가 아니면이 이메일을 인쇄하지 마십시오. 인쇄되지 않은 모든 이메일은 환경에 도움이 됩니다.

2 attachments



PCLSTATEBAR NOTICE OF COUNSEL DISQUAL AND LIS PENDENS 03122023 THILL.pdf
495K

 verified filing Case 2-23-cv-01298-JLS-PD HILL v 031139513123 (1).pdf
5474K

Todd Hill <toddryangregoryhill@gmail.com> Sun, Oct 8, 2023 at 2:29 PM
To: Stephen Ilg <silg@ilglegal.com>, aloboslaw@gmail.com, william maestas <wmaestas95@gmail.com>

FYI

----- Forwarded message -----

From: **Todd Hill** <toddryangregoryhill@gmail.com>
Date: Thu, Oct 5, 2023 at 9:57 PM
Subject: Fwd: Public Comment of Todd Hill;Notice of Lis Pendens for STATE BAR
To: <Antitrust@calawyers.org>, Genaro <genaro.trejo@calbar.ca.gov>, Hailyn <hailyn.chen@calbar.ca.gov>, Navarrete, Jorge <Jorge.Navarrete@jud.ca.gov>, RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE <fbi_ncra_duty@fbi.gov>, RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE <audrey.ching@calbar.ca.gov>, RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE <antitrustrequest@calbar.ca.gov>, Stallings, Brandon <brandon.stallings@calbar.ca.gov>, <civil.rights@usdoj.gov>, <david.lane@calbar.ca.gov>, donna.hershkowitz@calbar.ca.gov <donna.hershkowitz@calbar.ca.gov>, <patricia.guerrero@jud.ca.gov>, <sgood@fbm.com>, <tani.cantil-sakuye@jud.ca.gov>

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Todd Hill <toddryangregoryhill@gmail.com> Sun, Oct 8, 2023 at 2:32 PM
To: "k.e. tang" <10dpictures@gmail.com>

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From: **Todd Hill** <toddryangregoryhill@gmail.com>
Date: Thu, Oct 5, 2023 at 9:57 PM
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To: <Antitrust@calawyers.org>, Genaro <genaro.trejo@calbar.ca.gov>, Hailyn <hailyn.chen@calbar.ca.gov>, Navarrete, Jorge <Jorge.Navarrete@jud.ca.gov>, RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE <fbi_ncra_duty@fbi.gov>, RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE <audrey.ching@calbar.ca.gov>, RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE <antitrustrequest@calbar.ca.gov>, Stallings, Brandon <brandon.stallings@calbar.ca.gov>, <civil.rights@usdoj.gov>, <david.lane@calbar.ca.gov>, donna.hershkowitz@calbar.ca.gov <donna.hershkowitz@calbar.ca.gov>, <patricia.guerrero@jud.ca.gov>, <sgood@fbm.com>, <tani.cantil-sakuye@jud.ca.gov>

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5474K

k.e. tang <10dpictures@gmail.com>
To: Todd Hill <toddryangregoryhill@gmail.com>

Sun, Oct 8, 2023 at 2:39 PM

Hi,

Sorry Ive been MIA. I have no idea what any of the stuff below means. Do you honestly feel you have a chance with this?
I support you 100% based on what I saw there.

Liz

[Quoted text hidden]

Todd Hill <toddryangregoryhill@gmail.com>
To: "k.e. tang" <10dpictures@gmail.com>

Sun, Oct 8, 2023 at 8:12 PM

It's all "on point" and it's "working" in that it is forcing changes to State Bar rhetoric. The status quo

My goal is that it is clear, no matter what happens, that the facts related to the conduct are clear.

Please see attached report released by State Bar last week.

I am likely "REDACTED".

Todd

[Quoted text hidden]



Action on Progress Report - Peoples College of Law (2).pdf
6225K

k.e. tang <10dpictures@gmail.com>
To: Todd Hill <toddryangregoryhill@gmail.com>

Sun, Oct 8, 2023 at 8:30 PM

Yup. This report is pretty damning. I'm glad that students know to complain to the State Bar.

They've hired fundraisers lol. The problem is them: getting funds will only perpetuate the issues until these people clear out. Lmao

[Quoted text hidden]

Todd Hill <toddryangregoryhill@gmail.com>
To: "k.e. tang" <10dpictures@gmail.com>

Sun, Oct 8, 2023 at 8:42 PM

Agreed. I am still no closer to getting my degree.....

But I am much closer to demonstrating conspiracy and RICO.

How long can the police officer remain on lunch while watching the bank across the street get robbed? What if the "parolee" in his or her probationary care is the "robber"?

Todd

[Quoted text hidden]

Todd Hill <toddryangregoryhill@gmail.com>

Sun, Sep 8, 2024 at 7:24 AM

To: "Ko, Jennifer" <Jennifer.Ko@calbar.ca.gov>, "Krasilnikoff, Jean" <Jean.Krasilnikoff@calbar.ca.gov>, "Batdorj, Jenny" <Jenny.Batdorj@calbar.ca.gov>

Cc: secretariat <secretariat@calbar.ca.gov>, "Sowell, Arnold" <arnold.sowell@calbar.ca.gov>, "Stallings, Brandon" <brandon.stallings@calbar.ca.gov>, "Toney, Mark" <mark.toney@calbar.ca.gov>, "Shelby, Melanie" <melanie.shelby@calbar.ca.gov>, COAF <coaf@calbar.ca.gov>, "RE: CASE 2:23-cv-01298-JLS-PDx TODD HILL, STATE BAR, PEOPLES COLLEGE" <GC@calbar.ca.gov>

Dear Ms. Ko and Ms. Krasilnikoff,

Thank you for your follow-up regarding my compliance with the California Government Claims Act and your analysis of the case law I previously referenced.

I have carefully reviewed your comments and would like to clarify my position, as well as address the specific points you raised regarding *Olson*, *Dilts*, and *Loehr*.

While I acknowledge that these cases affirm the doctrine of substantial compliance cannot cure a total omission of essential elements, my submissions, including the documents and notices provided over the past three years, do not reflect such an omission. Contrary to your assertion, I have provided sufficient notice regarding the critical elements required under the Government Claims Act, including the name and address of the claimant, the nature of the injury, the facts of the case, and the public employees involved.

Additionally, while you raise concerns about certain technical deficiencies (such as the absence of the dollar amount claimed or whether the claim would be a limited civil case), these issues are not insurmountable. As we know, the Government Claims Act's requirements are designed to allow for meaningful investigation and settlement prior to litigation. The purpose of the Act is to provide sufficient information, not necessarily exhaustive detail, at the claims presentation stage. As such, I assert that the series of notices, emails, and communications sent to the State Bar substantively comply with the intent of the statute, even if minor technical elements could be further refined.

As you also noted, Government Claims Act compliance is not intended to resolve legal questions regarding every detail of the case but rather to ensure that the public entity is given a fair opportunity to investigate and respond to the claims. In this regard, the State Bar has been on notice for years and has had ample opportunity to investigate and respond to the claims I have raised. These claims, based on long-standing communications, outline the factual circumstances and legal theories underlying the causes of action asserted in the Third Amended Complaint (TAC). The courts have consistently held that substantial compliance may be recognized where, as here, the claim contains sufficient information to permit the entity to investigate.

Moreover, as I mentioned previously, the State Bar and I have a unique and special relationship beyond that of a general member of the public. This relationship further underscores the adequacy of the numerous notices provided over the course of three years. Any technical deficiencies do not amount to a total omission and should not negate the substance of the claims presented.

While we may have differing views on this issue, I believe these points will ultimately be resolved by a finder of fact, especially given the unique circumstances and the special relationship between myself and the State Bar.

I appreciate your continued attention to these matters and will respond to your additional comments as we prepare for our next meeting. In the meantime, please find attached the **Notice of Counsel Disqualification** and **Amended Complaint filing**, sent to you March 2023, that further substantiate my position.

Best regards,

Todd

2 attachments

 **PCLSTATEBAR NOTICE OF COUNSEL DISQUAL AND LIS PENDENS 03122023 THILL.pdf**
495K

 **verified filing Case 2-23-cv-01298-JLS-PD HILL v 031139513123 (1).pdf**
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EXHIBIT 2

**THE STATE BAR
OF CALIFORNIA****SPECIAL DEPUTY TRIAL COUNSEL**

1191 Huntington Drive #104, Duarte, California 91010
(626) 784-5914
email: regsitton@outlook.com

May 26, 2023

PERSONAL AND CONFIDENTIAL

Todd Hill
41459 Almond Avenue
Quartz Hill, California 93551

RE: Case No.: 23-O-16326
Respondent: Natalie Leonard

Case No.: 23-O-16327
Respondent: Robert Spiro

Dear Mr. Hill:

I am the Special Deputy Trial Counsel¹ assigned to conduct an independent review and evaluation of your complaints against Natalie Leonard and Robert Spiro. My evaluation is now complete. There is insufficient basis to proceed with disciplinary investigation based on either of your complaints, and these matters are closed.

Summary of Complaint

You have ongoing disputes with People's College of Law, a law school where you attended and/or continue to attend.

During the pertinent time period, Mr. Spiro was an administrator at the law school; he was the law school dean until 2021. Natalie Leonard was the Principal Analyst in the Admissions Office of the State Bar of California; and, in that capacity, she was reportedly responsible "for compliance reporting and student protection for law school administration and regulation."

You are complaining that Mr. Spiro committed acts that constitute breaches of contract, breaches of fiduciary duties, misrepresentation, negligence, conspiracy, extortion and civil rights violations. The alleged acts include: he did not inform students of the intended use or purpose of their tuition payments; he conspired to provide inaccurate transcripts and incorrect class credits; he did not provide you access to certain documents, including board meeting minutes and accountings, maintained by the law school; he misused funds donated to the school.

¹ A Special Deputy Trial Counsel is appointed pursuant to rule 2201 of the Rules of Procedure of the State Bar of California in situations where the State Bar's Office of the Chief Trial Counsel is recused from considering disciplinary complaints against various categories of individuals, including complaints that present a conflict of interest.

Complainant Todd Hill
State Bar Investigation Nos. 23-O-16326, 23-O-16327
Respondents Natalie Leonard and Robert Spiro
May 26, 2023
Page 2

PERSONAL AND CONFIDENTIAL

You are also complaining that Natalie Leonard breached her employment duties in that she conspired with Mr. Spiro and others in failing "to timely intervene to protect students or otherwise stop institutional misconduct" by the People's College of Law.

Evaluation

Many of the assertions in your complaints are speculative, argumentative or conclusory. We cannot use speculative, argumentative or conclusory statements to warrant a disciplinary investigation. Therefore, the crux of our evaluation is only of the alleged facts.

For purposes of our evaluation, we assumed that the facts you reported are true and can be proven. Then, we ascertained whether the alleged facts, if true, present a colorable violation of the State Bar Rules of Professional Conduct or the State Bar Act. If so, then, a disciplinary investigation is warranted; if not, then the complaints must be closed.

Here, it is clear that the alleged facts involving Mr. Spiro relate to the ongoing disputes you experienced or are experiencing with People's College of Law about its administration and governance. The alleged fact involving Ms. Leonard is that she refrained from interfering in those disputes.

The question then is whether Mr. Spiro's actions or Ms. Leonard's lack of action constitute a violation of the Rules of Professional Conduct or State Bar Act. They do not.

The disputes between you and the law school present civil issues. Indeed, you recently filed a civil lawsuit wherein you included the same allegations you made in the State Bar complaints against Mr. Spiro and Ms. Leonard. You incorporated the lawsuit into your State Bar complaints.

The State Bar does not have jurisdiction over civil issues. The attorney discipline system in California is not intended to resolve disputes between parties in civil cases. Moreover, the discipline system is not designed as a platform wherein parties can litigate issues that are pending in civil court. That said, however, if during the civil litigation, the judge opines that an attorney is culpable of misconduct which implicates a *specific* ethical obligation of a lawyer beyond the parameters of a pure civil dispute, the Court can always report the conduct to the State Bar on its own initiative. You may also provide the court's written opinion or ruling to the State Bar for disciplinary consideration.

Based on the above, we conclude that your complaint does not present a colorable violation of disciplinary rules. Therefore, we are closing your complaints against Mr. Spiro and Ms. Leonard.

You may consult with legal counsel for advice on available remedies including recovery of legal costs. The local or county bar association have lawyer referral services, if you need them.

If you wish to present any *new facts or circumstances* you believe may change my determination to close your complaint, you may submit a written statement with the new information to my mailing address on this letterhead.

Complainant Todd Hill
State Bar Investigation Nos. 23-O-16326, 23-O-16327
Respondents Natalie Leonard and Robert Spiro
May 26, 2023
Page 3

PERSONAL AND CONFIDENTIAL

If you *disagree with the decision to close your complaint*, you may submit a request for review by a different Special Deputy Trial Counsel who will review your complaint and this decision. Your complaint may be reopened if it is determined that your complaint was inappropriately closed or that you presented new, significant evidence to support your complaint. To request a second review, you must submit your request in writing, together with any new evidence you wish to be considered, post-marked within 90 days of the date of this letter. The second look request should be addressed to:

Stacia Laguna
Special Deputy Trial Counsel – Administrator
25005 Blue Ravine Road, Suite 110, #406
Folsom, California 95630

If you ask for a second review, your matter will be transferred to another lawyer for independent review. That lawyer may reopen your complaint if it is determined that my decision to close this matter was an abuse of my prosecutorial discretion.

Sincerely,



Rizamari Gonzaga Sitton
Special Deputy Trial Counsel